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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,735	02/03/2004	Richard Blackmore	P-042	1000

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LAW OFFICE OF DAVID MCEWING
P.O. BOX 231324
HOUSTON, TX 77023

EXAMINER

FISCHER, JUSTIN R

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/770,735

Applicant(s)

BLACKMORE ET AL.

Examiner

Justin R. Fischer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,19,21-23,26 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-9,19,21-23 and 26 is/are allowed.
- 6) ☒ Claim(s) 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamiyama (JP 6-320624) and further in view of Tweedie (US 6,068,725) and Gunzel (DE 3929558).

Kamiyama discloses a pipe rehabilitation method comprising applying liners 4, 5 and injecting a chemical reactant or foam grout 3 into the ground (Paragraphs 10 and 11). In this instance, though, Kamiyama is completely silent with respect to the manner in which the liners 4, 5 are provided in the main and branch pipes 1, 2. In any event, it is extremely well known to include an inflatable bladder that expands the liner against the inner wall of the main pipe and is subsequently removed, as shown for example by Tweedie (Figure 1 and Column 2, Lines 45-50) and Gunzel (Abstract and Figure 3). In particular, Tweedie recognized the use of an inflatable bladder that is heated in order to press the liner against the wall (some amount of heat would radiate through the thickness of the pipe). Absent any conclusive showing of unexpected results, one of ordinary skill in the art at the time of the invention would have found it obvious to use a heatable bladder in the installation of liners 4, 5 in the method of Kamiyama as it represent a well known and extensively used technique to install pipe liners.

As to the language "from a ground surface", the claim does not exclude the injection process described by Kamiyama. In an analogous manner to Figure 3A of the claimed invention, the chemical reactant or grout begins at a first position ("ground surface") and is transferred through an injection mechanism or grouting liner and into the ground. It is suggested that applicant adopt language that describes such an injection process through a tubing that is outside the respective pipes and extends through the ground surface.

Allowable Subject Matter

3. Claims 1, 3-9, 19, 21-23, and 26 are allowed. The following is an examiner's statement of reasons for allowance:

As described above, Kamiyama discloses a method in which a pair of liners is applied to a pair of existing pipes and a "chemical reactant" or grout is injected into the ground from the ground surface, it being well recognized that pipe liners are commonly installed using inflatable and heatable bladders. However, the method of Kamiyama comprises applying said liners and subsequently injecting a reaction product using a specific method using a grouting liner. Thus, the reference fails to suggest a method in which heat radiated through the pipe thickness creates a reaction product from the injected chemical reactant. It is further noted that the reference specifically describes the grout as being cured or forming a reaction product via contact with water. As such, one of ordinary skill in the art at the time of the invention would not have found it obvious to practice the method of the claimed invention.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

4. Applicant's arguments, see Pages 6 and 7, filed April 23, 2006, with respect to claims 1-37 have been fully considered and are persuasive. The rejection of claims 1, 3-9, 19, 21-23, and 26 has been withdrawn. However, newly submitted claim 38 does not require the above mentioned heating through the pipe thickness- the claim simply requires that a chemical reactant is injected into the ground "from a ground surface". As noted above, this language is not seen to define over the method of Kamiyama. It is suggested that applicant adopt language that specifies the transfer of the chemical reactant through a tubing that is outside the pipes and extends through the ground surface.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Justin Fischer

May 12, 2006